

**BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA**

FILED

APR 22 2009

HEARING OFFICER OF THE
SUPREME COURT OF ARIZONA
BY

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

No. 08-1387

RICHARD ROBERT LUFF
Bar No. 022931

HEARING OFFICER REPORT

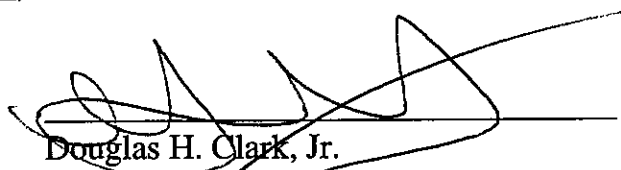
Respondent.

The parties having filed their Joint Memorandum in Support of Tender of Admissions and Agreement for Discipline by Consent and their Tender of Admissions and Agreement for Discipline by Consent on April 14, 2009, and telephonic hearing on such having been held April 15, 2009, at 10:30 a.m. with Jason Easterday, State Bar Counsel appearing, Andrew Diodati, Respondent's Counsel appearing, and Respondent Richard Luff appearing in person, the Hearing Officer has considered the agreement and recommends the acceptance thereof with a modification. As acknowledged by the parties, there are no aggravating factors present in this case and the Respondent attorney has no prior disciplinary record, had no dishonest or selfish motive and was cooperative in attitude toward the proceedings. From the statements made by the Respondent attorney at the hearing, it is apparent that he has accepted responsibility, has acknowledged his improper action, he has violated a single court order one time, he has not expressed a lack of respect for the court and the Hearing Officer is convinced that such a violation will not occur in the future with Respondent. The objective of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice.

The Hearing Officer recommends acceptance of the agreement, but recommends modification of the agreement to state that the period of probation will be six months instead of one year. At the end of six months, should the State Bar feel for any reason that an additional six months of probation is appropriate, it can request extension of the probation period from the Hearing Officer stating the reasons it believes the additional six months suspension is appropriate. If Respondent has any objections to such, they shall be stated. The State Bar shall have until October 6, 2009, to file such a request for extension. If no such request is made, the period of probation will end after six months. If such a request for extension is filed, Respondent shall have five days within which to reply and a telephone hearing on such matter will be held October 16, 2009, at 9:00 a.m. to decide whether the probation will be extended for an additional six months.

Pursuant to Rule 56(e)(2), the parties have 30 days to execute the proposed modifications and filed the modified agreement and joint memorandum for consideration. If the parties fails to submit a modified agreement within the time provided and no request for additional time has been submitted, the agreement shall be deemed rejected.

DATED this 22nd day of April, 2009.



Douglas H. Clark, Jr.
Hearing Officer #7J

Original filed with the Disciplinary Clerk
this 22nd day of April, 2009.

Copy of the foregoing mailed
this 22nd day of April, 2009, to:

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